

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2009

Charles R. Fulbruge III
Clerk

No. 08-30263

Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

WILLIAM F PRITCHARD, JR

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:04-CR-60063-2

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

William F. Pritchard, Jr., appeals from his sentence following his guilty plea conviction for conspiracy to traffic in unauthorized sound recordings of live musical performances. He argues that the district court erred by ordering him to pay restitution to the Recording Industry Association of America (RIAA). He contends that the Government failed to prove by a preponderance of the evidence that the RIAA was an identifiable victim that suffered any actual pecuniary loss

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

resulting from his conduct. Pritchard stipulated in his plea agreement that he was liable for restitution to the RIAA under 18 U.S.C. § 3663A. In light of this stipulation, the district court did not err in ordering Pritchard to pay restitution to the RIAA. *See* § 3663A(a)(1), (3).

Accordingly, the district court's judgment is **AFFIRMED**.